

Remarks

Claims 1, 2, 4, 6, 10, 13-18, 21 and 25 were pending.

Claim 1 is amended.

Claim 2 is cancelled.

Claims 4, 6, 10, 13-18, 21 and 25 are as previously presented.

The application now contains claims 1, 4, 6, 10, 13-18, 21 and 25.

Claim 1 is amended to delete from line 3 the phrase "a water soluble ethylenically unsaturated monomer or blend of monomers comprising" and to incorporate the limitations of claim 2 and specify, at the end of the claim, an average particle size of more than 50 μm . Support is found in now cancelled claim 2.

No new matter is added.

Rejections

Claims 1, 2, 4, 6, 10, 13-18, 21 and 25 are rejected under 35 USC 103(a) as being obvious over Biggin et. al., US 5,114,600.

Applicants respectfully traverse the rejections.

Biggin discloses a fabric softener composition comprising a polymer prepared from a cationic monomer, acrylamide and 5-45 ppm of a crosslinker and a particle size of less than 10 microns. Applicants respectfully point to the explicit teaching on column 3 lines 28-30 of Biggin "The cationic polymer **must be added while in the form of particles below 10 micrometers in size**, and preferably below 2 micrometers in size". Thus, Applicants respectfully assert that Biggin explicitly teaches away from using particles larger than 10 micrometers.

The instantly amended claims require a polymer in the form of particles with an average particle size of more than 50 μm . This is significantly larger than any particle contemplated by Biggin and Biggin is clear that such a particle is to be avoided. Yet, as shown in the instant examples, excellent results are obtained using the instant polymers.

The Examiner states on page 6 of the present Action that the instant claims do not specify that the instant polymer particles are at a specific size when added to the formulation as in Biggin.

Applicants respectfully submit that one skilled in the art would understand the meaning of claim 1 that the polymer incorporated into the composition has that particular particle size. Applicants point to page 2 of the instant specification, lines 2-6, "The polymer is added to the composition while in the form of particles which have a volume size of ...". Applicants further point to the instant Examples. Example A page 23-24 of the instant specification prepares a polymer with an average particle size of 240 μm . Page 25 of the instant specification describes the addition of the particles of Example A to various formulations and resents data showing its effectiveness.

Applicants further submit that one reading the disclosure of Biggin, which as stated above specifically teaches one to avoid adding particles larger than 10 μm , could in no way be directed to the instant invention which uses significantly larger particles.

Applicants therefore respectfully submit that the rejections of claims 1, 2, 4, 6, 10, 13-18, 21 and 25 under 35 USC 103(a) as obvious over Biggin et. al., US 5,114,600 are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 1, 2, 4, 6, 10, 13-18, 21 and 25 are rejected under 35 USC 103(a) as being obvious over Schulman et al., US 6,451,756 or DE 101 16 491.

Applicants respectfully traverse the rejections.

Claim 1 is amended to specify that the polymer is prepared from the polymerization at least one monomer of formula I, one monomer of formula II, at least one crosslinking agent and optionally a chain transfer agent. That is, the monomers from which the polymer is prepared are selected from these groups and other monomers are not used.

Schulman discloses a polymer for a soil release composition which may contain acrylamide. However, Applicants respectfully note that Schulman clearly teaches the use of a polymer that must contain certain alkyl, ethoxylated alkyl or polyalkylene glycol (meth)acrylate monomers, aromatic ether monomers or mono or di melete ester monomers, component B of column 2 lines 34-39 and especially line 47, n, the total number of B residues must be greater than 1. Applicants respectfully

submit that as Schulman specifically teaches that ester B must be present, the practitioner would necessarily conclude that these monomers are needed for activity. Applicants take the position that as the only element required by Schulman for an active polymer is at least one of these monomers B, it can not be obvious to prepare a polymer which excludes this required component and expect success.

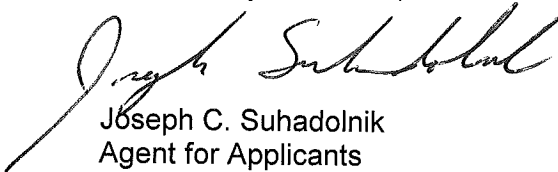
Schulman offers no any guidance regarding particle size. The Examiner states that Schulman is therefore generic to any particle size. Applicants respectfully submit that in light of the instant amendments and discussion above that this is no longer relevant. Applicants further submit that in light of teaching of Biggin that smaller particles are required, the cited art fails to provide any guidance directing one to the instantly claimed invention.

Applicants therefore respectfully submit that the rejections of claims 1, 2, 4, 6, 10, 13-18, 21 and 25 under 35 USC 103(a) over Schulman et al., US 6,451,756 are addressed and are overcome and kindly ask that the rejections be withdrawn.

Applicants further respectfully submit that all rejections are addressed and are overcome and kindly ask that all rejections be withdrawn and that claims 1, 2, 4, 6, 10, 13-18, 21 and 25 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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